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C O N F I D E N T I A L TUNIS 000501

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STATE FOR NEA/MAG - LAWRENCE AND DRL

E.O. 12958: DECL: 03/01/2016

TAGS: PHUM PGOV KDEM TS

SUBJECT: LTDH TRIAL HIGHLIGHTS STRICT GOT CONTROLS OVER CIVIL SOCIETY

REF: A. TUNIS 387

1B. 05 TUNIS 2113

1C. 05 TUNIS 2034

Classified By: CHARGE D'AFFAIRES a.i. DAVID BALLARD FOR REASONS 1.4 (b) AND (d)

11. (C) SUMMARY: The February 25 court appearance of the Tunisian Human Rights League (LTDH), which resulted in an administrative postponement, provided rare insight into the extent to which GOT security forces can prevent civil society from operating. While foreign diplomats were allowed entry after some delay, senior LTDH officials were prevented from approaching the gates of the courthouse. The significant police presence - both uniformed and plain clothed - was clearly focusing its attention on particular individuals, while allowing other Tunisians to pass unhindered. END SUMMARY.

12. (C) The LTDH, the largest independent human rights organization in Tunisia and the oldest in the Arab world, has had a tense relationship with the GOT for several years (Ref B & C), but in 2005, 22 allegedly pro-government members filed a legal case against the LTDH Executive Council to protest chapter reorganization directed by LTDH President Mokhtar Trifi. In September 2005, the Court of First Instance blocked the convening of the LTDH National Congress. The February 25 appearance was a continuation of this case, which now includes only two plaintiffs, as twenty others withdrew their complaint in November.

13. (C) When Poloff and PolFSN arrived at the courthouse to attend the hearing, almost thirty uniformed and plain-clothes security forces were present around the courthouse. Near the entrance, one plainclothes man asked PolFSN, "Who are you?" When he replied, "From the American Embassy," the man pointedly asked PolFSN if he was American. Poloff said they were together, which was enough to allow passage inside the gate.

14. (C) There, another plainclothes man approached and asked for identification cards. Poloff presented a diplomatic identity card, while PolFSN, afraid of GOT reprisal, presented only his embassy ID. One plainclothes man copied down the ID cards' details, while another called for permission for our entry. Two others questioned PolFSN, "Who are you? Why don't you have your ID card? What did you come for?" PolFSN claimed to be an embassy translator, who would explain Arabic court proceedings. When the EU representative, who was also awaiting permission to enter, volunteered that a lawyer inside could translate so PolFSN could depart, the men responded, "No, better for you to

provide neutral translation than those people inside."

¶15. (C) After waiting ten minutes in the courtyard, permission was granted for entry. Finnish and British diplomats also entered without incident shortly thereafter. Upon entry to the courthouse, Ayashi Hammami, a lawyer, LTDH member, human rights activist and former 18 October hunger striker (Ref A and previous), approached the group to explain the senior LTDH officials were in a coffee shop across the street, afraid to attempt entry because of the police presence. Hammami explained the officials hoped that if the foreign diplomats joined them, they might be able to enter.

¶16. (C) The diplomats proceeded across the street, where they met several LTDH officials, including President Mokhtar Trifi and Vice President Souhair Belhassen. After initial greetings and LTDH expressions of consternation about the heavy police presence, the group attempted to cross the street and approach the courthouse. It was clear that the plainclothes police had identified the LTDH members that would not be allowed to proceed. Security officers approached to block the advance of the LTDH members, but none physically or verbally abused them. One man was responsible for announcing that only the lawyer representing the LTDH (in this case President Trifi) would be allowed to enter.

¶17. (C) At this point, Trifi began shouting at the security officials, "How can you let foreigners in while blocking us - Tunisian citizens?! Shame!" and "The documents (notifying the LTDH of the court date and requesting their appearance) clearly address the (LTDH) Executive Council!" (NOTE: Ms. Belhassen and other Executive Council members are defendants in the case, although not mentioned specifically by name in court documents. END NOTE.) The plainclothes officials refused to respond to Trifi, instead focusing their attention on encouraging the diplomats to enter the courthouse. The blocked LTDH members returned to the coffee house across the street while Trifi continued to demand they be allowed entry, to no avail.

¶18. (C) Eventually, Trifi and the attending diplomats entered the courthouse. The courtroom was full of many lawyers and other Tunisians involved in the day's cases. Given the efforts to prevent the entry of LTDH officials, it was surprising to see so many Tunisians had no difficulty entering. In fact, while diplomats and LTDH officials were held outside the courthouse, hundreds of Tunisians entered without question or delay.

¶19. (C) After wrapping up approximately twenty other civil cases on the day's docket - involving everything from inheritance to commercial disputes - the judge called the LTDH case. The defendants asked for a delay in order to attempt to resolve the matter, while Trifi called on the judge to grant access to all Executive Council members. The judge, polite and clearly prepared, listened carefully before dismissing the request outright. Civil law, explained the judge, allows defendants to be represented in absentia by a single lawyer. Thus, there was no violation of defendants' rights, said the judge, and the case was rescheduled for May ¶16.

¶110. (C) COMMENT: While post often receives complaints from Tunisian civil society about the way Tunisian security forces - uniformed and plainclothes - restrict their freedom of movement and association, it was instructive to witness these oppressive techniques firsthand. While no violence or force was used, it was clear that under no circumstances were particular individuals going to enter the courthouse. The resignation on the faces of the LTDH members was another sign of how independent civil society feels suffocated by the extent of the mechanisms to control it. END COMMENT.

BALLARD